

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GENENTECH, INC. and CITY OF)	
HOPE,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 17-1407-CFC-SRF
)	
AMGEN INC.,)	
)	
Defendant.)	

**GENENTECH’S MOTION TO DISMISS
AND/OR STRIKE AMGEN’S FIFTEENTH COUNTERCLAIM
AND FIFTEENTH AFFIRMATIVE DEFENSE**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), 12(f), and 15(a), Plaintiff Genentech, Inc. respectfully moves for dismissal of and/or to strike Defendant Amgen Inc.’s Fifteenth Counterclaim and Fifteenth Affirmative Defense. The bases for this motion are set forth in the Opening Brief contemporaneously filed herewith.

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